

## REMARKS

The Office Action, mailed January 14, 2008, rejected claims 1-9 over *Greenberg* (U.S. Patent No. 5,655,997) and claims 10-11 over *Brewer* (U.S. Patent No. 5,645,509) under 35 U.S.C. § 102, and claims 12-14 over *Brewer* under 35 U.S.C. § 103<sup>1</sup>. Claims 1 and 10-14 are hereby amended. In light of the foregoing amendments and the following remarks, reconsideration and allowance for the above-identified application are now respectfully requested. Claims 1-14 are pending.

### **Rejections Under 35 U.S.C. § 102**

In the Office Action, claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Greenberg*. Applicant respectfully traverses.

*Greenberg* discloses an apparatus for providing feedback to a user of a weight stack machine. In particular, the *Greenberg* patent discloses an "exercise station 100" including a "weight stack machine," "weights 114 and 116," "cable 106," and "encoder 104" (Col. 3, lines 10-25). "Encoder 104 converts the linear motion of cable 106 into electrical pulses" which are sent to "assembly 124" (Col. 3, lines 37-39). "Assembly 124 computes the speed and distance traveled by cable 106 ... and the number or height of weights moved as detected by a plurality of sensors" (Col. 4, lines 57-60). "Assembly 124 is made up of two parts," namely a "Sensing Processing Unit (SPU) 148" and a "controller 150" (Col. 5, lines 7-8, 18). A "function of controller 150 is to display on display 126 information related to feedback for the user as the exercise session is progressing (Col. 5, lines 24-27). In other words, assembly 124 monitors the

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

use of the weight stack machine, computes various parameters of the exercise regime, and displays those parameters on a display to be seen by the user.

In contrast, amended claim 1 recites "a local system including an exercise apparatus having an actuator and an associated local computer, said local computer being able to sense a performance of a user of said exercise apparatus and control said actuator to adjust at least one operating parameter of said exercise device based on said sensed performance." The system described in *Greenberg* does not discuss or suggest the inclusion of an "actuator being able to adjust at least one operating parameter of said exercise device based on said sensed performance" of a user on the exercise device. Rather, *Greenberg's* exercise system senses and computes various parameters of the exercise machine, such as the number and height of weights lifted, and provides this information on a display to a user. For at least this reason, *Greenberg* fails to disclose or obviate claim 1. Applicant, therefore, respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b).

Claims 2-9 depend from claim 1, and thus incorporate the limitations recited therein. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102(b) of claims 2-9 be withdrawn.

The Office Action also rejected claims 10-11 under 35 U.S.C. § 102(b) as being anticipated by *Brewer*. Applicant respectfully traverses.

As amended herein, claim 10 recites "a plurality of exercise apparatuses ... and a local computer associated with at least one of said plurality of exercise apparatuses for controlling an operation of said at least one of said plurality of exercise apparatuses ... said local computer being adapted to engage in bi-directional communication with other exercise apparatuses of said plurality of exercise apparatus." *Brewer* does not disclose a local computer that can both control

the operation of at least one of the plurality of exercise apparatuses and engage in bi-directional communication with other exercise apparatuses of the plurality of exercises apparatuses. For at least this reason, *Brewer* fails to disclose or obviate claim 10. Applicant, therefore, respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(b) of independent claim 10, and corresponding dependent claim 11.

### **Rejections Under 35 U.S.C. § 103**

In the Office Action, claims 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brewer*. Applicant respectfully traverses.

Claims 12-14 depend from claim 10, and thus incorporate the limitations recited therein. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) of claims 12-14 be withdrawn.

### **CONCLUSION**

Applicant respectfully submits, therefore, that the present application is now in condition for allowance. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 11<sup>th</sup> day of February, 2008.

Respectfully submitted,

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